

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

SINGLE BENCH

WRIT PETITION №. 2233 OF 2005

PETITIONER : Atal Behari Dubey
S/O Late Sharda Prasad Dubey
aged about 80 years,
Resident of House №. HIG-4
Housing Board Colony, Lalbagh
Rajnandgaon(C.G.)

V E R S U S

RESPONDENTS

- (1) State of Chhattisgarh
Through : Secretary
Department of Town &
Country Planning , D.K.S.
Bhawan, Mantralaya
Raipur(C.G.)
- (2) Joint Director
Town & Country Planning
G.E. Road, Rajnandgaon(C.G.)
- (3) Municipal Corporation
Through Commissioner
Rajnandgaon(C.G.)
- (4) Collector
Rajnandgaon(C.G.)

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(4)

Before : Hon'ble the Chief Justice and his Companion
Judges of the Hon'ble High Court of Judicature
Chhattisgarh at Bilaspur

PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF
SUITABLE DIRECTIONS, ORDERS OR WRITS
INCLUDING WRITS IN THE NATURE OF
MANDAMUS, CERTIORARI ETC.

12/3



मामला क्रमांक W.P. No. 2233/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>20-10-2005</u> Shri Neelabh Dubey, counsel for the petitioner. Shri Sandeep Dubey, Govt. Advocate for the State/ respondents No.1, 2 and 4. Shri Sanjay K. Agrawal, counsel for respondent No.3. By this petition under Article 226/227 of the Constitution of India the petitioner has challenged the action of respondent No.3 whereby respondent No.3 has placed certain pre-fabricated kiosks in front of the house of the petitioner in ^{the} park area. Perusal of the return submitted by the State shows that land in question where pre-fabricated kiosks were put is earmarked for the park and in order to rehabilitate the small shop owners of Rajnandgaon in a systematic manner under Pt. Deendayal Upadhyay Swalamban Yojna it was decided that respondent No.3 could apply to the concerned Departments for allotment of the land in question and only after due approval from the concerned Departments respondent No.3 can proceed with the rehabilitation scheme. Copy of the minutes of the meeting dated 13-4-2005 is Annexure-R/1. Accordingly, respondent No.3 moved the Town and Country Planning Department, Rajnandgaon for permission to place the pre-fabricated kiosks. However, the matter is still pending consideration of the Government. Learned counsel for respondent No.3 submits that kiosks in	

SP/FS/2005-20,000 question have already been removed from the land in question and

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Barve	respondent No.3 is waiting for the order of the Town and Country Planning Department. Respondent No.3 shall act in accordance with law. In view of the above fact, since the pre-fabricated kiosks have already been removed from the park area, the petitioner has already been granted necessary relief, therefore, nothing remains to be decided in this matter. However, in future, it is expected that respondent No.3 shall act in accordance with law. In view of the above, the petition stands disposed of. Parties are entitled for certified copy of this order.	Sd/- L.C.Bhadoo Judge

25/10/09